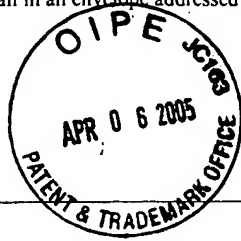


IFW

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PATENT
Attorney Docket No.: 016354-005213US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



On

April 1, 2005

TOWNSEND and TOWNSEND and CREW LLP

By:

Bonnie Larson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Keith G. Lurie

Application No.: 10/796,875

Filed: March 8, 2004

For: VENTILATOR AND METHODS
FOR TREATING HEAD TRAUMA
AND LOW BLOOD CIRCULATION

Examiner:

Art Unit: 1614

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

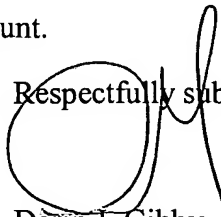
The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. This application is a continuation-in-part of and relies upon U.S. Patent Application No. 10/660,462, filed September 11, 2003, Attorney Docket No. 016354-005211US ("the parent application") for an earlier effective filing date under 35 U.S.C. §120. In accordance with 37 CFR §1.98(d), copies of the references have all been previously submitted to or cited by the Office in the parent application, and are therefore not enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

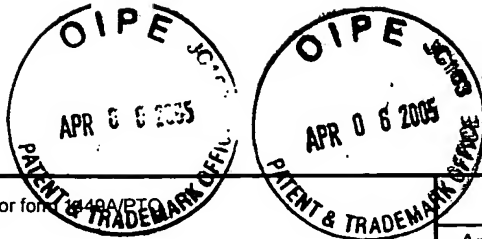
Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Darin J. Gibby
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
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DJG/cl
60457406 v1



PTO/SB/08A (08-03)

Substitute for form 1849A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/796,875
		Filing Date	March 8, 2004
		First Named Inventor	Lurie, Keith G.
		Art Unit	1614
		Examiner Name	
Sheet 1 of 5	Attorney Docket Number	016354-005213US	

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No.	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	US-2,774,346	12-1956	Halliburton	
	A2	US-3,077,884	02-1963	Batrow et al.	
	A3	US-3,191,596	06-1965	Bird et al.	
	A4	US-3,191,596	06-1965	Bird et al.	
	A5	US-3,307,541	03-07-1967	Hewson.	
	A6	US-3,459,216	08-1969	Bloom et al.	
	A7	US-3,515,163	06-1970	Freeman	
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	A9	US-3,669,108	06-1972	Sundblom et al.	
	A10	US-3,794,043	02-1974	McGinnis	
	A11	US-3,815,606	06-11-1974	Mazal	
	A12	US-3,834,383	09-1974	Weigl et al.	
	A13	US-3,933,171	01-1976	Hay	
	A14	US-4,041,943	08-1977	Miller	
	A15	US-4,077,404	03-07-1978	Elam	
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	A17	US-4,226,233	10-07-1980	Kritzer	
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	A19	US-4,298,023	11-1981	McGinnis	
	A20	US-4,316,458	02-1982	Hammerton-Fraser	
	A21	US-4,320,754	03-23-1982	Watson et al.	
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	A27	US-4,533,137	08-06-1985	Sonne	
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	A29	US-4,809,683	03-1989	Hanson	
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	A32	US-4,898,166	02-06-1990	Rose et al.	
	A33	US-4,928,674	05-29-1990	Halperin et al.	
	A34	US-5,014,698	05-1991	Cohen	
	A35	US-5,016,627	05-1991	Dahrendorf	
	A36	US-5,050,593	09-24-1991	Poon	
	A37	US-5,056,505	10-15-1991	Warwick et al.	
	A38	US-5,109,840	05-05-1992	Daleidon	
	A39	US-5,163,424	11-1992	Kohnke	
	A40	US-5,184,620	02-1993	Cudahy et al.	
	A41	US-5,193,544	03-1993	Jaffe	
Examiner Signature				Date Considered	

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60457406 v1

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/796,875	
			Filing Date	March 8, 2004	
			First Named Inventor	Lurie, Keith G.	
			Art Unit	1614	
Examiner Name					
Sheet	2	of	5	Attorney Docket Number	016354-005213US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A42	US-5,217,006	06-08-1993	McCulloch	
	A43	US-5,235,970	08-1993	Augustine	
	A44	US-5,263,476	11-1993	Henson	
	A45	US-5,295,481	03-1994	Geeham	
	A46	US-5,301,667	04-1994	McGrail et al.	
	A47	US-5,305,743	04-1994	Brain	
	A48	US-5,355,879	10-1994	Brain	
	A49	US-5,377,671	01-03-1995	Biondi et al.	
	A50	US-5,359,998	11-1994	Lloyd	
	A51	US-5,392,774	02-28-1995	Sato	
	A52	US-5,398,714	03-1995	Price	
	A53	US-5,454,779	10-1995	Lurie et al.	
	A54	US-5,492,116	02-1996	Scarberry et al.	
	A55	US-5,496,257	03-05-1996	Kelly	
	A56	US-5,517,986	05-1996	Starr et al.	
	A57	US-5,551,420	09-03-1996	Lurie et al.	
	A58	US-5,584,866	12-1996	Kroll et al.	
	A59	US-5,628,305	05-13-1997	Melker	
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	A61	US-5,645,522	07-1997	Lurie et al.	
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	A63	US-5,704,346	01-06-1998	Inuoe	
	A64	US-5,730,122	03-24-1998	Lurie	
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	A71	US-6,155,257	12-05-2000	Lurie et al.	
	A72	US-6,224,562 B1	05-01-2001	Lurie et al.	
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	A74	US-2001/0029399 A1	10-11-2001	Orr et al.	
	A75	US-6,312,399 B1	11-06-2001	Lurie et al.	
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	A79	US-6,463,327 B1	10-08-2002	Lurie et al.	
	A80	US-2002/0170562 A1	11-21-2002	Lurie et al.	
	A81	US-2003/0037784 A1	02-27-2003	Lurie	

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60457406 v1

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			Application Number	10/796,875	
			Filing Date	March 8, 2004	
			First Named Inventor	Lurie, Keith G.	
			Art Unit	1614	
Examiner Name					
Sheet	3	of	5	Attorney Docket Number	016354-005213US

U.S. PATENT DOCUMENTS ⁺					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A82	US-6,526,973	03-04-2003	Lurie et al.	
	A83	US-2003/0062041 A1	04-03-2003	Lurie et al.	
	A84	US-6,578,574	06-2003	Kohnke	
	A85	US-6,587,726 B2	07-01-2003	Lurie et al.	
	A86	US-6,604,523	08-12-2003	Lurie et al.	
	A87	US-6,792,947	09-2004	Bowden	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
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	B4	EP	0 029 352	A1	05-27-1981			<input type="checkbox"/>
	B5	EP	0 139 363	A1	05-02-1985			<input type="checkbox"/>
	B6	EP	0 245 142	A1	11-11-1987			<input type="checkbox"/>
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	B11	GB	2 139 099	A	11-07-1984			<input type="checkbox"/>
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60457406 v1

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		Filing Date	March 8, 2004
		First Named Inventor	Lurie, Keith G.
		Art Unit	1614
Examiner Name			
Sheet 4 of 5	Attorney Docket Number	016354-005213US	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	Christenson, J.M., "Abdominal Compressions During CPR: Hemodynamic Effects of Altering Timing and Force", The Journal of Emergency Medicine, vol. 10, pp. 257-266, 1992.	
	C2	Cohen, Todd J. et al., "Active Compression-Decompression Resuscitation: a Novel Method of Cardiopulmonary Resuscitation", Department of Medicine and the Cardiovascular Research Institute, UC San Francisco, American Heart Journal 126(5):1145-1150, 1992.	
	C3	Cohen, Todd J. et al., "Active Compression-Decompression: A New Method of Cardiopulmonary Resuscitation", JAMA 267(21): 2916-2923 (Jun. 3, 1992).	
	C4	Ambu International A/S "Directions for use of Ambu® CardioPump™", 8 pages.	
	C5	Dupuis, Yvon G., <u>Ventilators- Theory and Clinical Application</u> , pp. 447-448, 481, 496; Jan. 1986, Mosby Company.	
	C6	Geddes, L.A. et al., "Inspiration Produced by Bilateral Electromagnetic, Cervical Phrenic Nerve Stimulation in Man," IEEE Transactions on Biomedical Engineering 38(9): 1047-1048 (Oct. 1991).	
	C7	Geddes, L.A. et al., "Optimum Stimulus Frequency for Contracting the Inspiratory Muscles with chest Surface Electrodes to Produce Artificial respiration," Annals of Biomedical Engineering 18:103-108 (1990).	
	C8	Geddes, L.A., "Electrically Produced Artificial Ventilation," Medical Instrumentation 22(5): 263-271 (1988).	
	C9	Geddes, L.A., "Electroventilation—A Missed Opportunity?", Biomedical Instrumentation & Technology, Jul./Aug. 1998, pp. 401-414.	
	C10	Glenn, William W.L. et al., "Diaphragm Pacing by Electrical Stimulation of the Phrenic Nerve," Neurosurgery 17(6): 974-984 (1985).	
	C11	Glenn, William W.L., et al., "Twenty Years of Experience in Phrenic Nerve Stimulation to Pace the Diaphragm," Pace 9: 780-784 (Nov./Dec. 1986, Part I).	
	C12	Kotze, P.L. et al., "Diaphragm Pacing in the Treatment of Ventilatory Failure," San. Deel 68:223-224 (Aug. 17, 1995).	
	C13	Laghi, Franco et al., "Comparison of Magnetic and Electrical Phrenic Nerve Stimulation in assessment of Diaphragmatic Contractility," American Physiological society, pp. 1731-1742 (1996).	
	C14	Lindner, Karl H. et al., "Effects of Active Compression-Decompression Resuscitation on Myocardial and Cerebral Blood Flow in Pigs" Department of Anesthesiology and Critical Care Medicine, University of Ulm, Germany, Circulation 88(3):1254-1263, (Oct. 7, 1993).	
	C15	Lurie, Keith G. et al., "Regulated to Death: The Matter of Informed Consent for Human Experimentation in Emergency Resuscitation Research," Cardiac Arrhythmia Center at the University of Minnesota, PACE 18:1443-1447 (Jul. 1995).	

Examiner Signature		Date Considered	
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¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

² Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

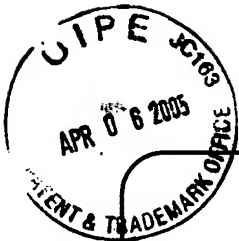
Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
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				First Named Inventor	Lurie, Keith G.
				Art Unit	1614
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Sheet	5	of	5	Attorney Docket Number	016354-005213US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C16	Mushin W. W. et al., "Automatic Ventilation of the Lungs--The Lewis-Leigh Inflating Valve," Blackwell Scientific, Oxford, GB, p. 838.	
	C17		

Examiner Signature		Date Considered	
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² Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.



PTO/SB/21 (09-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/796,875

Filing Date

March 8, 2004

First Named Inventor

Lurie, Keith G.

Art Unit

1614

Examiner Name

Attorney Docket Number

016354-005213US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Darin J. Gibby		
Date	April 1, 2005	Reg. No.	38,464

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Signature			
Typed or printed name	Connie Larson	Date	April 1, 2005